



# County of San Diego

## DEPARTMENT OF PUBLIC WORKS

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## MITIGATED NEGATIVE DECLARATION

May 6, 2009

Project Name: Knottwood Way Road Extension

Project Number(s): 1003102

### **This Document is Considered Draft Until it is Adopted by the Appropriate County of San Diego Decision-Making Body.**

This Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
  - b. Environmental Analysis Form and attached extended study for Biology.
1. California Environmental Quality Act Mitigated Negative Declaration Findings:  
  
Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.
  2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

The mitigation measures listed below are to be implemented during construction to minimize or eliminate potential impacts on biological resources on the Project site and immediate vicinity.

- A. Proposed mitigation for permanent impacts on 0.2 acres of disturbed coast live oak woodland will consist of the 1:1 mitigation purchase of 0.2 acres of coast live oak woodland credit from the Rancho San Diego Mitigation Bank.
  - B. Oak trees will be planted in the 10-foot parkway as feasible to preserve the aesthetic nature of this area (Figure 10 in Biological Resource Letter Report, dated April 24, 2009).
  - C. No raptor nests were observed during the survey of the project impact area. However, to avoid direct and indirect impacts on raptors and/or migratory birds, removal of habitat that may support active nests should occur outside of the breeding season for these species (February 15 to August 15). If removal of habitat and/or construction activities adjacent to nesting habitat must occur during the breeding season, the applicant shall retain a County-approved biologist to conduct a pre-construction survey to determine the presence or absence of nesting birds on and within 300 feet of the construction area and nesting raptors within 500 feet of the construction area. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction, the results of which must be submitted to the County for review and approval prior to initiating construction activities. If nesting raptors are detected, a biological monitor should be present on-site as necessary during construction. The biological monitor shall ensure that perimeter construction fencing is being maintained to minimize construction impacts and ensure that no nest containing eggs or chicks is "taken", as defined by the Migratory Bird Treaty Act (MTBA) or Fish & Game Code Section 86, until all young have fledged or the nest becomes inactive.
3. Critical Project Design Elements That Must Become Conditions of Approval:
- The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

- A. Prior to initiating grading, temporary orange biological fencing shall be installed along the limits of grading to ensure no impacts on adjacent sensitive biological resources. Temporary fencing will also be shown on all grading plans. Prior to and during construction, a County-approved biological monitor will verify that biological fencing is properly installed and maintained.
- B. The biological monitor shall attend a pre-construction meeting prior to initiating grading and be on-site to monitor vegetation clearing and periodically thereafter to ensure implementation of appropriate resource protection measures.

**ADOPTION STATEMENT:** This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

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on \_\_\_\_\_

Thomas Duffy, Planning Manager  
Regulatory Planning Division

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CC:  
Steve Ron, DPW, CIP Project Manager, (MS 0340)